IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

MACA.No. 624 of 2007(A)

OPMV.285/2001 of MOTOR ACCIDENTS CLAIMS TRIBUNAL, VADAKARA
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APPELLANT/PETITIONER:

NAIKKARI ELLATH ABDUL SATHAR,
S/O.SHAHUL HAMEED, STAR HOUSE,
AYITTY, P.O.THRIKKARIPUR, REP. BY P.A.HOLDER
BAIKKARI ELLATH BASHEER,
S/O.SHAHUL HAMEED -DO- -DO-.

BY ADV. SRI.GRASHIOUS KURIAKOSE

RESPONDENT/RESPONDENT NO.6:

UNITED INDIA INSURANCE CO.LTD,
KANNUR-670 001.

BY ADV. SRI.MATHEWS JACOB (SR.)
SRI.P.JACOB MATHEW

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 25/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.A.C.A.624 OF 2007

Dated 25th July, 2007

JUDGMENT

Koshy,J.

Appellant/petitioner met with a motor accident by which he sustained severe injuries. Against a claim of compensation of Rs.20,00,000/=, the Tribunal has awarded Rs.5,88,262/=. Grievance of the appellant is that as per Ext.A10 certificate, 80% disability was certified by PW2 doctor, but, Tribunal accepted only 50% as the whole body disability. The appellant was employed in Gulf. If he was having 80% disability, he cannot go back to work in Gulf. However, it is stated that now he is employed in Gulf. Since he is employed in Gulf and getting earnings, the Tribunal would have been justified in not assessing the compensation on a multiplier method. We are of the opinion that no interference is required in the award at the instance of the appellant.

The appeal is dismissed.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

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